

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Terry David Harkless,)	C/A No. 0:19-1357-BHH-PJG
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Director Patricia Ray; Dietitian Mr. Brinkman;)	
Nurse F. McQueen; Nurse Bianca Baker,)	
)	
Defendants.)	
_____)	

The plaintiff, a self-represented litigant who was a pretrial detainee at the time he filed his Complaint, brought this civil rights action seeking relief pursuant to 42 U.S.C. § 1983. On November 14, 2019, Defendants Ray, Baker, and McQueen filed motions for summary judgment. (ECF Nos. 60 & 61.) By order of this court filed November 15, 2019, pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the dismissal and summary judgment procedures and the possible consequences if he failed to respond adequately. (ECF No. 63.) This order was returned to the court as undeliverable, and the envelope noted that the plaintiff was “no longer here.” (See ECF No. 66-1.)

When the plaintiff filed this action, he was specifically instructed as follows:

You are ordered to always keep the Clerk of Court advised **in writing** . . . if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this order, you fail to meet a deadline set by this court, **your case may be dismissed for violating this order**. Therefore, if you have a change of address before this case is ended, you must comply with this order by immediately advising the Clerk of Court in writing of such change of address Your failure to do so will not be excused by the court.

(Order, ECF No. 8 at 3.) It is clear from the docket that the plaintiff has failed to comply with the court's order.

Based on the foregoing, it is

ORDERED that the plaintiff shall advise the court as to whether he wishes to continue with this case and to file a response to the defendants' motions for summary judgment within fourteen (14) days from the date of this order. Plaintiff is further advised that if he fails to respond, **this action will be recommended for dismissal with prejudice for failure to prosecute.** See Davis v. Williams, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

January 8, 2020
Columbia, South Carolina



Paige J. Gossett
UNITED STATES MAGISTRATE JUDGE